

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MARTY AGUILAR
Plaintiff,

v.

**COCA-COLA SOUTHWEST
BEVERAGES LLC**
Defendant.

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CIVIL ACTION NO. _____

JURY DEMANDED

**COCA-COLA SOUTHWEST BEVERAGES LLC’S
NOTICE OF REMOVAL**

Defendant Coca-Cola Southwest Beverages LLC (“CCSWB”), appearing specially so as to preserve any and all defenses available under Rule 12 of the Federal Rules of Civil Procedure, files this Notice of Removal and hereby gives notice of the removal of Cause No. 2021DCV-0095-E from the 148th Judicial District Court of Nueces County, Texas to the United States District Court for the Southern District of Texas, Corpus Christi Division, and in support thereof, would respectfully show as follows:

Procedural History

1. On January 7, 2021, Plaintiff Marty Aguilar (“Plaintiff”) filed his Original Petition—captioned Cause No. 2021DCV-0095-E; *Marty Aguilar v. Coca-Cola Southwest Beverages, LLC*; In the 148th Judicial District Court of Nueces County Texas—complaining of Defendant CCSWB.

2. On January 29, 2021, Defendant CCSWB received a copy of Plaintiff’s Original Petition.

3. On February 22, 2021, Defendant CCSWB filed its Original Answer to Plaintiff’s Original Petition.

4. On February 25, 2021, CCSWB filed this Notice of Removal and a Notice of the Filing of the Notice of Removal in the 148th Judicial District Court of Nueces County Texas . As such, this Notice of Removal is timely filed in accordance with 28 U.S.C. section 1446(b), in that it was filed within 30 days after CCSWB received a copy of Plaintiff's Original Petition.

Basis for Removal

5. This court has subject matter jurisdiction under 28 U.S.C. section 1332(a) because the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and because complete diversity of citizenship exists between CCSWB, the only defendant properly joined and served, and Plaintiff.

6. The amount in controversy exceeds \$75,000 because Plaintiff's Original Petition states that he seeks "monetary relief over \$1,000,000." Pursuant to 28 U.S.C. section 1446(c)(2), "the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy."

7. Complete diversity of citizenship exists between CCSWB and Plaintiff because:

- a. Plaintiff is an individual residing in Nueces County, Texas.
- b. CCSWB is a citizen of Delaware, Georgia, and Mexico. More specifically, CCSWB is a foreign limited liability company whose sole member is AC Bebidas, S. de R.L. de C.V., a Mexican limited liability company. The members of AC Bebidas, S. de R.L. de C.V are Arca Continental S.A.B. de C.V. (a Mexican stock corporation with its principal place of business in Monterrey, Nuevo Leon, Mexico), Coca-Cola Refreshments USA, LLC (a Delaware limited liability company), and Desarrolladora Arca Continental, S. de R.L. de C.V. (a Mexican limited liability company). The sole member

of Coca-Cola Refreshments USA, LLC is the Coca-Cola Company, a Delaware corporation with its principal place of business in Atlanta, Georgia. The members of Desarrolladora Arca Continental, S. de R.L. de C.V. are Arca Continental S.A.B. de C.V. and AC Alimentos y Botanas, S.A. de C.V. (a Mexican stock corporation with its principal place of business in Monterrey, Nuevo Leon, Mexico).

8. In accordance with Southern District Local Rule 81 and 28 U.S.C. section 1446(a), the following documents are attached hereto:

Exhibit A Executed Process

Exhibit B-1 Plaintiff's Original Petition

Exhibit B-2 Coca-Cola Southwest Beverages LLC's Original Answer

Exhibit C The docket sheet

Exhibit D An index of matters being filed

Exhibit E A list of all counsel of record

9. No motions or other matters in this action are pending before the 148th Judicial District Court, nor has that court issued any orders.

10. The District Court of Nueces County, Texas is located within the Southern District of Texas. Therefore, this court is the proper venue for removal of this action pursuant to 28 U.S.C. section 1441(a) because this is the district and division embracing the place where this action was pending.

11. CCSWB reserves all rights, defenses, and objections, including but not limited to defenses and objections to venue and jurisdiction, and the filing of this Notice of Removal is subject to, and without waiver of, any such defenses and objections.

Dated: February 25, 2021.

Respectfully submitted,

STRONG PIPKIN BISSELL & LEDYARD, L.L.P.



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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been delivered via email through CM/ECF to the following known counsel of record on this 25th day of February, 2021:

J. Moises Cedillos
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Counsel For Plaintiff



Michael T. Bridwell